

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MARC VEASEY, JANE HAMILTON,)
SERGIO DELEON, FLOYD J. CARRIER,)
ANNA BURNS, MICHAEL MONTEZ,)
PENNY POPE, OSCAR ORTIZ, KOBY)
OZIAS, JOHN MELLOR-CRUMLEY, PEGGY)
HERMAN, EVELYN BRICKNER, GORDON)
BENJAMIN, KEN GANDY, LEAGUE OF)
UNITED LATIN AMERICAN CITIZENS)
(LULAC), AND DALLAS COUNTY, TEXAS,)

Plaintiffs,

v.

RICK PERRY, Governor of Texas; and JOHN)
STEEN, Texas Secretary of State,)

Defendants.

UNITED STATES OF AMERICA,)

Plaintiffs,

TEXAS LEAGUE OF YOUNG VOTERS)
EDUCATION FUND, IMANI CLARK, AND)
MICHELLE BESSIAKE,)

Plaintiff-Intervenors,

TEXAS ASSOCIATION OF HISPANIC)
COUNTY JUDGES AND COUNTY)
COMMISSIONERS, HIDALGO COUNTY,)
AND MARIA LONGORIA BENAVIDES,)

Plaintiff-Intervenors,

v.

STATE OF TEXAS, JOHN STEEN, in his)
official capacity as Texas Secretary of State;)
and STEVE McCRAW, in his official capacity)
as Director of the Texas Department of Public)
Safety,)

Defendants.

CIVIL ACTION NO.

2:13-CV-193 (NGR)

[Lead case]

CIVIL ACTION NO.

2:13-CV-263 (NGR)

[Consolidated case]

TEXAS STATE CONFERENCE OF NAACP)
 BRANCHES; and the MEXICAN)
 AMERICAN LEGISLATIVE CAUCUS OF)
 THE TEXAS HOUSE OF)
 REPRESENTATIVES,)

Plaintiffs,)

v.)

JOHN STEEN, in his official capacity as)
 Secretary of State of Texas; and STEVE)
 McCRAW, in his official capacity as Director)
 of the Texas Department of Public Safety,)

Defendants.)

CIVIL ACTION NO.
 2:13-CV-291 (NGR)
 [Consolidated case]

BELINDA ORTIZ, LENARD TAYLOR,)
 EULALIO MENDEZ JR., LIONEL)
 ESTRADA; ESTELA GARCIA ESPINOSA,)
 LYDIA LARA, MARGARITO MARTINEZ)
 LARA, MAXIMINA MARTINEZ LARA, AND)
 LA UNION DEL PUEBLO ENTERO, INC.)

Plaintiffs,)

v.)

STATE OF TEXAS, JOHN STEEN, in his)
 official capacity as Texas Secretary of State;)
 and STEVE McCRAW, in his official capacity)
 as Director of the Texas Department of Public)
 Safety,)

Defendants.)

CIVIL ACTION NO.
 2:13-CV-348 (NGR)
 [Consolidated case]

OPPOSED MOTION TO QUASH 30(b)(6) DEPOSITION OF NONPARTY
TEXAS HEALTH AND HUMAN SERVICES COMMISSION

The Texas Health and Human Services Commission (HHSC), a nonparty in the above styled and numbered cause of action, requests the Court quash the deposition secheduled for Friday, May 9, 2014, at 9:00 a.m., and to order counsel for

plaintiffs and plaintiff-intervenors to limit questioning of HHSC's designee to the Topics for Examination in Exhibit 4 during the taking of the deposition.

HHSC was noticed for a 30(b)(6) deposition by plaintiffs and plaintiff-intervenors on April 17, 2014. *See* Ex. 1 (Plaintiffs' and Plaintiff-Intervenors' Notice of Rule 30(b)(6) Deposition of the Texas Health and Human Services Commission and Request for Documents Relied upon by 30(b)(6) Designees).¹ As a courtesy to counsel for plaintiffs and plaintiff-intervenors, and despite the fact that HHSC has not been sued in this case, counsel for HHSC coordinated the scheduling of a deposition of HHSC's designee to occur on May 9, 2014 at 9:00 a.m.

On May 7, 2014, counsel for HHSC served objections to the depositions to counsel of record. *See* Ex. 2 (Texas Health and Human Services Commission's Nonparty Objections to the Rule 30(b)(6) Notice of Deposition). The objections highlighted the fact that (1) the topics requested information about supporting identification (sufficient to obtain an Election Identification Certificate) not issued by HHSC and (2) comments and responses to proposed rules are publicly available, and how HHSC arrived at those responses to comments on a proposed rule are covered by multiple privileges including deliberative process.

Also on May 7, 2014, counsel for HHSC sent to counsel for the United States proposed narrowed Topics for Examination as an attachment to an e-mail. *See* Ex. 3 (E-mail from D. Whitley to D. Freeman); Ex. 4 (Proposed Topics for

¹ The plaintiffs and plaintiff-intervenors originally noticed the Texas Department of State Health Services, which falls under the umbrella of the Texas Health and Human Services Commission, on March 26, 2014. At the request of counsel for HHSC, counsel for the United States reissued the 30(b)(6) notice to HHSC. This motion to quash does not address that reissuance because it is not a disputed issue.

Examination). In the proposed topics, supporting identification other than birth certificates were removed. Further, references to comments to proposed rules, along have been removed. For convenience of the Court and counsel, track change version of the proposed narrowed Topics for Examination is attached as Exhibit 5.

This morning, on May 8, 2014, counsel for HHSC conferred with counsel for the United States regarding the narrowed topics. Counsel have been unable to resolve their disagreement on the narrowing of topics.

Therefore, HHSC requests the Court grant its motion to quash the 30(b)(6) deposition and order counsel for plaintiffs and plaintiff-intervenors to limit any future questioning of HHSC's designee to the Topics for Examination in Exhibit 4.

Dated: May 8, 2014

Respectfully submitted,

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/s/ John B. Scott
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COUNSEL FOR TEXAS HEALTH AND
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CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2014, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ John B. Scott
JOHN B. SCOTT